

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**NEW YORK LIFE INSURANCE
COMPANY,**

Plaintiff,

v.

Case No. 2:17-cv-474

**CHIEF JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Elizabeth P. Deavers**

TAMMY NUSSBAUM

and

EUGENIA NUSSBAUM,

Defendants.

OPINION AND ORDER

On June 2, 2017, the plaintiff, New York Life Insurance Company (“New York Life”) filed this interpleader action and deposited \$100,000.00 with the Clerk of Courts. The plaintiff issued a life insurance policy on the life of Mathew Nussbaum, now deceased. New York Life avers the defendants Tammy Nussbaum and Eugenia Nussbaum have each made claims on the policy. New York Life admits that it owes \$100,000.00 to one, but not both, of the defendants and asks this Court to adjudicate the dispute and direct the plaintiff to pay the policy amount to the party legally entitled to the proceeds.

Defendant Tammy Nussbaum answered the complaint and asserts her right to receive the \$100,000.00. Eugenia Nussbaum has been properly served, but has not answered or otherwise moved in response to the claim. On August 29, 2017, the Clerk of Court entered a Default against Eugenia Nussbaum.

Thereafter, on June 15, 2018 Defendant Tammy Nussbaum filed a motion for summary judgment, contending that there is no genuine issue of material fact and that she is owed the

proceeds of the \$100,000.00 life insurance policy. No party has opposed the motion. The Court has reviewed the motion and finds it has merit.

IT IS ORDERED:

1. The motion for summary judgment is granted;
2. The proceeds of the life insurance policy are awarded to Tammy Nussbaum as follows:
 - a. \$96,776.85 to Tammy Nussbaum;
 - b. \$7,000.00 in agreed attorney's fees to New York Life;
 - c. Any additional accrued interest to Tammy Nussbaum.

The Clerk shall enter final judgment in favor of Tammy Nussbaum.

4-30-2018
DATE


EDMUND A. SARGUS, JR.
CHIEF UNITED STATES DISTRICT JUDGE